

ESTTA Tracking number: **ESTTA433448**

Filing date: **10/03/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91197518
Party	Plaintiff Athletics Investment Group LLC d/b/a The Oakland Athletics Baseball Company
Correspondence Address	JILL K. TOMLINSON COWAN LIEBOWITZ & LATMAN PC 1133 AVENUE OF THE AMERICAS NEW YORK, NY 10036 UNITED STATES jkt@cll.com, trademark@cll.com, rar@cll.com
Submission	Motion to Suspend for Settlement Discussions
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Date	10/03/2011
Attachments	1269164_1.pdf (3 pages)(11480 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial Nos. 77/875,559 and 77/875,579

Filed: November 18, 2009

For Marks: MATHLETICS

Published in the Official Gazette: August 3, 2010

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ATHLETICS INVESTMENT GROUP LLC D/B/A :

THE OAKLAND ATHLETICS BASEBALL :

COMPANY, :

Opposer, :

v. :

3P LEARNING PTY LIMITED, :

Applicant. :

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Opposition No. 91197518

**NOTICE OF WAIVER OF INITIAL DISCLOSURES AND MOTION ON CONSENT TO
SUSPEND PROCEEDINGS AND TO EXTEND DISCOVERY PERIOD IF OPPOSITION
IS RESUMED**

The parties, by and through their counsel, held an initial discovery conference on September 30, 2011 in accordance with the TTAB rules, and are now pursuing settlement discussions. Both sides have stipulated to waive the requirement of initial disclosures and Opposer hereby notifies the Board, with the consent of Applicant, that the parties intend to utilize traditional discovery devices and hereby waive any requirement to make initial disclosures in this proceeding.

Opposer, by and through counsel, also hereby moves for an order suspending the proceedings in this matter for a period of three (3) months, until **January 3, 2012**. Applicant's counsel consented to this motion, which is requested to allow the parties to continue to engage in settlement discussions.

Since the last suspension in this matter, Applicant's counsel and Opposer's outside counsel exchanged several additional emails regarding possible settlement parameters. Subsequently, Applicant's counsel sent Opposer an email setting forth a settlement proposal which listed key settlement terms. Opposer's outside counsel forwarded this email to Opposer's in-house counsel for review and comments. The additional time is requested to allow Opposer's in-house counsel an opportunity to review the settlement proposal and provide its comments to Opposer's outside counsel, and for the parties to continue negotiating a potential settlement of this matter.

If the Board grants this motion, the parties request that six months of discovery be allowed and that the discovery cutoff be reset to six (6) months after the proceeding resumes so that the parties will have the full period of discovery in the event that the matter is not able to be resolved. The trial and other periods should be reset accordingly.

Dated: New York, New York
October 3, 2011

COWAN LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: /Scott P. Ceresia/

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on October 3, 2011, I caused a true and correct copy of the foregoing Notice of Waiver and Motion to Suspend to be sent via First Class Mail, postage prepaid, to Applicant's attorney of record and correspondent, Barry F. Soalt, Esq., Procopio Cory Hargreaves & Savitch LLP, 525 B Street, Suite 2200, San Diego, CA 92101.

/Scott P. Ceresia/
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